

CGG 18-023264
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Kathleen M. Magoon - 040682010
Donna L. Skilton - 013072007
Charles G. Wohlrab - 016592012
Courtney A. Martin - 098782016
Jeffrey Rappaport - 003431991
ATTORNEYS FOR BANK OF AMERICA, N.A.

IN RE:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

FELIPE FERNANDEZ, DEBTOR

CASE NO.: 18-21446-MBK
CHAPTER 13

HEARING DATE: AUGUST 14, 2018

NOTICE OF OBJECTION TO CONFIRMATION

The undersigned, Shapiro & DeNardo, LLC, attorneys for the Secured Creditor, Bank of America, N.A., the holder of a Mortgage on Debtor's property located at 38 Highland Terrace, Fords, New Jersey 08863, hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1) Debtor's proposed Chapter 13 Plan does not provide for the curing of the full amount of the mortgage arrears accrued at the time of the Bankruptcy filing to Secured Creditor. Debtor's Plan proposes to pay Secured Creditor \$0.00. Secured Creditor is owed pre-petition arrears in the amount of \$238,286.22.

2) Debtor's Chapter 13 Plan does not provide for the Secured Creditor to receive distributions with a value equal to the allowed amount of its claims required by 11 U.S.C.1325(a)(5)(B)(ii).

3) Debtor's Plan provides for a potential loan modification offer to cure pre-petition arrearages, but does not provide direction in the event this loan modification is not offered.

WHEREFORE, Bank of America, N.A. respectfully requests that the Confirmation of Debtor's Chapter 13 plan be denied and that the Debtor be required to file an Amended Chapter 13 Plan providing for full payment of arrears due to the Secured Creditor.

SHAPIRO & DENARDO, LLC

By: /s/ Charles G. Wohlrab
Charles G. Wohlrab, Esquire

Dated: 7/24/18

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CERTIFICATION OF SERVICE

I, Emily White

1. ☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Charles G. Wohlrab, Esquire, who represents the Secured Creditor in the above-captioned matter.

☐ am the _____ in the above case and am representing myself.

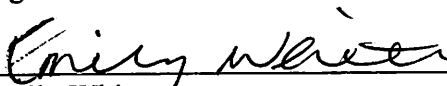
2. On July 25, 2018, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Notice of Objection to Confirmation of Plan,

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Signature

Dated: July 25, 2018


Emily White

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Richard F. Fried Law Offices of Richard F. Fried 61 Pearl St Metuchen, NJ 08840		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Albert Russo Trustee Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Felipe Fernandez 38 Highland Terrace Fords, NJ 08863		<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)

SHAPIRO & DeNARDO, LLC

ATTORNEYS AT LAW

A PENNSYLVANIA LIMITED LIABILITY COMPANY

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Tel: (856) 793-3080 Fax: (847) 627-8809

GERALD M. SHAPIRO +++
DAVID S. KREISMAN **
CHRISTOPHER A. DeNARDO +

+ Licensed in New Jersey and Pennsylvania
++ Licensed in New Jersey and New York
+++ Licensed in Illinois and Florida
++++ Licensed in New Jersey and Florida
+++++ Licensed in Rhode Island and New Jersey
*+ Licensed in New Jersey, Pennsylvania, Florida
* Licensed in New Jersey Only
** Licensed in Illinois Only
*** Licensed in Pennsylvania Only

NJ Attorneys

CHANDRA M. ARKEMA +
Managing Partner – NJ
KATHLEEN M. MAGOON *
Supervising Foreclosure Attorney
KRYSTIN M. KANE+++++
COURTNEY A. MARTIN*+
DONNA L. SKILTON +
CHARLES G. WOHLRAB +
JEFFREY RAPPAPORT*
GARY M. KANELIS ++
Of Counsel

July 24, 2018

United States Bankruptcy Court
Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608

In Re: Felipe Fernandez, Debtor
Case No: 18-21446-MBK
Chapter: 13
Secured Creditor: Bank of America, N.A.
Our file number: 18-023264

Dear Court Clerk:

Enclosed please find Notice of Objection to Confirmation, said Confirmation Hearing presently scheduled before the Court on August 14, 2018 at 10:00AM.

Thank you for your attention.

Very truly yours,
Shapiro & DeNardo, LLC

By: /s/ Charles G. Wohlrab
Charles G. Wohlrab, Esquire

Enclosures

cc: Richard F. Fried, Debtor's Attorney
Albert Russo, Trustee, Standing Chapter 13 Trustee, Trustee
Felipe Fernandez, Debtor
38 Highland Terrace
Fords, NJ 08863